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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,458	03/15/2007	Guenter Metsch	095309.57937US	4153
23911 7590 12/22/2010 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER EDWARDS, JERRAH	
			ART UNIT	PAPER NUMBER
			3664	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,458

Applicant(s)

METSCH ET AL.

Examiner

JERRAH EDWARDS

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☒ Claim(s) 12-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-845)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because the shading obscures the reference numerals in Figs. 2, 3, and 4, see MPEP 608.02. Additionally, Fig. 5 includes an empty lead line where reference numeral "2" appears to have been omitted. Also, the drawings must show every feature of the invention specified in the claims. The drawings currently show a two dimensional coordinate system, however the claims recite a three dimensional coordinate system. Therefore, the "xyz coordinate system" of claims 19 and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 12-30 are objected to because there appears in to be a typographical error in these claims. Claims 12-30 recite, "the operating system as claimed in claim...", however all claims ultimately depend from claim 11, which does not recite an operating system.
4. Furthermore, inconsistent terminology is used to refer to the same limitation throughout the claims. Claim 11 recites "at least one subarea of the other display area is displayed graphically in a different way...", however
claims 12, 14, 21, and 22 recite ***the different graphic display...***;
claims 13 and 16 recite ***the graphic display***; and
claims 15, 17 and 23-28 recite ***the at least one subarea***. The examiner is interpreting these phrases as indicators of the same claim limitation based on the disclosure, in which case, one of the three above terms should be used consistently through all claims in which it is recited in order to avoid confusion as to whether a new limitation is being recited or a previously recited limitation is being referenced.
5. Additionally, claims 17 and 26-28 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 11 recites "at least one subarea of the other display areas is displayed"; however claim 17 and 26-28 recite "wherein the at least one subarea is removed from

the display completely.” Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 16, which depends from claim 15, recites the limitation “a further predefinable time period.” However, while claim 13 recites a predefinable time period, neither claim 15 nor claim 11, from which claim 15 depends, recites a predefinable time period; therefore, in this context it is unclear what would constitute a *further* predefinable time period.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 11, 14-15 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Borgesson (International Pub. No. WO 03/058359 A1)

12. Borgesson discloses a vehicle control system including a driver interface with a joystick type actuator and dashboard display.

13. **Regarding claim 11**, Borgesson discloses:

a [manual actuating means/actuator 400] (Fig. 5) with a plurality of degrees of freedom for selecting and activating entries (Fig. 6, illustrating degrees of freedom; pg. 16, lines 8-10 explaining how actuator is used to select from menu/submenu) in a menu structure with a plurality of menu levels (Figs. 3a and 4, illustrating menu structure and submenus);

a level of the menu structure including a [display area/information field 320b] which is active in order to select an [entry/submenu] (Fig. 3a, submenus 1-5 in area 320b);

a [subarea/ misc. info field 316] of the other display area, displayed graphically in a different way than the active display area (Figs. 3a and 3d where field 316 displays a graphical embodiment of a compass).

14. **Regarding claim 14**, Borgesson further discloses that [subarea/ misc. info field 316] can be activated as a function of one of the menu levels (pg. 14 describing three different menu selections that activate field 316).

15. **Regarding claim 15**, Borgesson further discloses several subareas of the other display areas that may be displayed with different colors than the active display area (pg. 15, lines 19-23 describing different color schemes).

16. **Regarding claim 18**, Borgesson further discloses that [manual actuating means/actuator 400] has a plurality of degrees of freedom of adjustment including vertical movement corresponding to an orientation of submenu entries and for selecting entries displayed in the active display area 320b (Fig. 3a) and horizontal movement for exiting the display area, which is orthogonal to the orientation of the displayed entries (Fig. 3a, via horizontal movement to selection fields 340, some of which are arranged horizontally and cause an exit of the current menu/mode when selected).
17. **Regarding claims 19 and 20**, Borgesson further discloses that for vertically arranged entries, such as submenus 1-5 in area 320b, and/or horizontally arranged entries, such as 340c and 340 d, the [manual actuating means/actuator 400] has a plurality of degrees of freedom in the +/- x and +/- y directions (Fig. 6).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 12-13, 16-17 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgesson (International Pub. No. WO 03/058359 A1) as applied to claim 11 above, in view of Pickering et al. (P.G. Pub. No. 2005/0090946).
20. **Regarding claim 12**, Borgesson does not explicitly discuss a timing function, however Pickering et al. discloses a vehicle control system which uses a touch screen

display and having a timing function. Pickering et al. discloses using a [timing function/internal timer] that is actuated by driver input when operating a control panel with a graphic display ([0032]) and teaches that the timer is used to control illumination ([0033], explaining using the timer to control a fade-out of illumination). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the timing function disclosed by Pickering et al. with the control system taught by Borgesson in order to control illumination.

21. **Regarding claim 13**, Pickering et al. further discloses that the timer is restarted by the actuating means (driver input into the control panel) and that after a predefinable time period has expired ([0032], 10 seconds) the graphic display can be changed ([0032], the illumination is faded out). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the timing function disclosed by Pickering et al. with the control system taught by Borgesson in order to control illumination.

22. **Regarding claim 16**, as best understood, where a further predefinable time period is construed to mean a predefinable time period, Pickering et al. further discloses that intensity of the graphic display can be changed continuously as a function of a predefinable time period ([0033], explaining using the timer to control a fade-out of illumination). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the timing function disclosed by Pickering et al. with the control system taught by Borgesson in order to control illumination.

23. **Regarding claim 17**, as best understood, where removing the subarea is construed to mean reducing the visibility of the subarea, Pickering et al. further discloses that the control panel can fade out to a black finish, thereby effectively disappearing ([0033]). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the timing function disclosed by Pickering et al. with the control system taught by Borgesson in order to control illumination.
24. **Regarding claims 21, and 22**, Borgesson further discloses that [subarea/ misc. info field 316] can be activated as a function of one of the menu levels (pg. 14 describing three different menu selections that activate field 316).
25. **Regarding claims 23-25**, Borgesson further discloses several subareas of the other display areas that may be displayed with different colors than the active display area (pg. 15, lines 19-23 describing different color schemes).
26. **Regarding claims 26-28**, which recite the same limitations as claim 17, please see the explanation above regarding claim 17.
27. **Regarding claims 29-30**, Borgesson further discloses that [manual actuating means/actuator 400] has a plurality of degrees of freedom of adjustment including vertical movement corresponding to an orientation of submenu entries and for selecting entries displayed in the active display area 320b (Fig. 3a) and horizontal movement for exiting the display area, which is orthogonal to the orientation of the displayed entries (Fig. 3a, via horizontal movement to selection fields 340, some of which are arranged horizontally and cause an exit of the current menu/mode when selected).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JERRAH EDWARDS whose telephone number is 571-270-3044. The examiner can normally be reached on Monday through Friday, 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. E./
Examiner, Art Unit 3664
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664